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A SPECIAL BUT INSIDIOUS PLEA.

We find in the St. Louis Mirror, copied from the Public of Chicago, a lengthy paper from the pen of Louis F. Post, on "The Mormon Question."

He takes the ground that the clause of the Constitution which says that "each house shall be the judge of the elections, returns and qualification of its own members," does not, no matter what Congress may do arbitrarily, give any authority to exclude a member, who is in himself unobjectionable, and who has been duly seated. Again he claims that Mr. Smoot could not be rejected on the score of polygamy, even if he were a polygamist, because that would be a violation of that other clause of the Constitution which forbids Congress from "making any law respecting an establishment of religion or prohibiting the free exercise thereof." Again Mr. Post declares that whatever stipulations Congress may have placed in the enabling act through which Utah gained statehood they were unconstitutional and fell flat the moment the sovereignty of the state was proclaimed. He admits that the Mormon church is a theocracy that its rule in temporal as well as spiritual affairs is a theocratic rule and a menace to the Republic, but declares that the remedy must be a Constitutional remedy, that it would be the same if in some state under the claim of a necessary religious rite, the practice of child-murder was an ordinance of some sect. And the remedy he seems to be sure is the only one is a Constitutional amendment "subjecting marriage and divorce to national regulation along with the other matters of personal and local concern, such as bankruptcy." He says it was by a Constitutional amendment that slavery was stamped out with the iniquities of which moral and political, the nation suffered long.

We refer to this article because it is put out as a profound legal argument in at least two Great Eastern journals. In all fairness it seems to us the loftiest exordium and the weakest peroration we ever saw in print. Assuming for the argument that all its points are apt, what would the proposed remedy accomplish? Suppose the amendment adopted, then suppose that a polygamist or one who intended to become a poly-

gamist should with a woman enter a Mormon temple and the pair should there be united in polygamous marriage, in what way would any amendment that could be framed cure the evil? If the parties were suspected how could the fact of such marriage be established? How could an amendment add to the severity or effectiveness of the present state law of Utah? Then how would any amendment take away what the learned lawyer admits is a menace to our Government and country? He says an amendment cured the evil of slavery. The amendment was but a grave stone set up in remembrance of a system that was swept away by the red flames of war, a grave stone over an evil the extirpation of which cost 400,000 lives, the brightest in the Republic, and countless millions of treasure.

The argument of Mr. Post is but a special, impotent pleading of confession and avoidance, and utterly ignores two potent and essential facts. The first is that the right of self-preservation is inherent and attaches as much to a nation as to an individual, and second that liberty in this Republic is not license but liberty at all time, and in all places, subject to the righteous laws of this country. This applies as much to religious as to personal liberty. Now if a crime that the fathers never dreamed of when they framed the Constitution, is introduced as a religious rite or ordinance, does the Constitution leave the people and country helpless until an amendment can be worked through both houses of Congress by a two-thirds majority, and then ratified by two-thirds of the states? The preamble states the purposes of the instrument, can the instrument defeat or delay those purposes? The Constitution draws especial sanctity around the ballot, forbidding any but citizens to cast it. Cannot the courts determine when a question of citizenship is raised? Cannot the courts under the Constitution hear any case where the dishonoring of the ballot is charged? But behind all, this is a government of the people by the people and for the people. The special agents of the people are the executive, the legislative and the judicial branches of the government. The immediate agent is Congress. It is made up of individuals who go directly out from the people to perform their will. Does this special Chicago pleader mean to say that Congress is powerless to strike at a menace to free government in every way save through the red-tape of a Constitutional amendment? The committee on privileges and elections of the Senate in its sittings is at once a part of the legislative and judicial power of the Republic. Suppose it is shown that committee that the Mormon Church is really a menace to free institutions; that under a religious pretense it dishonors the pure American ballot and in effect disfranchises all free American citizens in Utah, must a constitutional amendment be interposed to stop the danger and the wrong? And what kind of an amendment would cover the case and abate the menace and the wrong?

The proof is at hand to bring out fully the facts that the head of the Mormon church claims a divine right to control the votes of the slaves that look up to him as one who has divine authority to tell them how they shall cast their ballots. If the committee is made up of men who

have no political bees in their bonnets to prevent them from bringing out the real facts, all the sinister designs and practices of this system can be shown. When they are shown and the facts are laid before the Senate, what then? We do not believe that anything less than a civil war can disturb or weaken the sovereignty of this state of Utah, but surely where the Federal Government has the exclusive control, as in Congress, in the army and navy, in Federal appointments all over the country and world, it does have control, and can exercise that control to keep the citizens of a kingdom, hostile in every attribute to all forms of free government out of a participation in the free government in our country. This hostile power has control of Utah, it makes the balance of power in six near-by states; it crows the politicians in these states and in states further away. Is it not time for the Federal Government to assert itself? Polygamy is but an incident, a nasty cement to involve and hold loyal its slaves; the real menace is the Asiatic tyranny that is fastened here and spreading its tentacles to draw in one after another of adjacent states.

THE SHAME AND DISGRACE OF IT.

The trial and acquittal of Arthur Brown was a shameful miscarriage of justice, a disgrace to the city and state, a dishonor to the legal profession to which he belongs, an insult to all decent men and women. It was a result to cause the average man to distrust and lose respect for law and the way it is administered.

The culprit is a man who was given fine legal abilities originally, these were heightened and broadened by the schools, but from the first he has been a moral degenerate; he has simply been a pitiless, conscienceless beast of prey toward women, and no laws, no family ties, no self-respect or respect for public opinion; no gratitude for high honors heaped upon him have ever been any restraint upon him.

When at last brought to book and the latest infamy of his life was made clear, until the community revolted at the showing, a flabby prosecution, a defense founded apparently upon the theory that intellectual gifts and high honors instead of imposing obligations of decency on the recipient of them, should be a bar to shield him from merited punishment for his crimes, and a willing jury gave him a certificate of innocence and turned him loose to continue his raids upon the sanctity of families and the decencies of life.

Why should Utah denounce polygamy when her courts give Arthur Brown a certificate of character?

A BRYAN VAGARY.

Mr. Bryan evidently has not yet read carefully the decision in the Merger case. He thinks "the trust question can be made an important issue in the coming campaign if the Democrats will do their duty."

He wants suits begun indiscriminately, and says: "The Democrats in the Senate and House might well paraphrase Cato's famous saying and each day demand a vote on a resolution declaring that 'private monopolies must be destroyed.'" Suppose such a resolution were to be offered and some Republican were to ask why the sudden excitement and point out that the anti-trust law